APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,395	01/20/2000	Aravind Sitaraman	062891.0328	4404

7590   08/16/2004

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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/488,395	SITARAMAN ET AL.
	Examiner	**Art Unit**	
	Dustin Nguyen	2154	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *see continuation below.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-55*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

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Continuation of 5:

1.   As per remarks, Applicants' argued that (1) Gardner fails to teach, suggest, or disclose that its broadband system 300 is "operable to receive a communication from a particular subscriber using a particular one of a plurality of virtual circuits associated with the first communication network" as recited in claim 1.

2.   As to point (1), Applicants' specification discloses communication network 14 comprises a plurality of virtual circuits 16 that supports a variety of communication technolofy, such as ATM, frame relay, X.25 packet switching, SMDS, SLIP, PPP, TCP/IP or any other suitable WAN protocol or technology [specification, page 8, lines 5-19]. Gardner discloses access server [300, Figure 1] for connecting a plurality of virtual circuits [i.e. DS0] [col 4, lines 63-col 5, lines 13].

3.   As per remarks, Applicants' argued that (2) Gardner does not appear to diclose a memory to store path information.

4.   As to point (2), Gardner discloses using data structure within various tables to perform call connections [Figures 16-23; and col 13, lines 64-col 14, lines 54].

5.   As per remarks, Applicants' argued that (3) Gardner fails to teach, suggest, or disclose "wherein the subscriber information for particular subscriber is indexed by the path information for the particular subscriber" as recited in claim 1.

6.   As to point (3), Applicants' specification discloses subscriber information comprises address information, configuration information, and/or any other suitable information used to upgrade, monitor, modify, or otherwise operate subscriber 12 [Specification, page 11, lines 1-3]. Gardner discloses the above limitation [i.e. index tables] [Figures 14, 16-23; and col 13, lines 64-col 14, lines 54].

7.   As per remarks, Applicants' argued that (4) Nattkemper fails to teach, suggest, or disclose the path information a processor "operable to compare the path information of the particular subscriber to the particular virtual circuit used to receive the communication from the particular subscriber" as recited in claim 1.

8.   As to point (4), Applicants' specification discloses path information 60 comprises virtual circuit information identifying the unique virtual circuits 16 assigned to subscriber 12, access server information, interface information, user information, and/or any other type of information used to identify subscriber 12. Nattkemper discloses the path information [col 4, lines 35-57], and the comparison [Abstract; and col 56, lines 63-col 57, lines 10].

9.   As per remarks, Applicants' argued that (5) Nattkemper fails to teach, suggest, or disclose a processor operable to "identify the particular subscriber for connection to the second communication network based on the comparison" as recited in claim 1.

10.   As to point (5), Nattkemper discloses the above limitation [i.e. switching system 100 connects ATM switch 12 and subscriber interfaces] [col 3, lines 57-col 4, lines 10; and col 25, lines 7-24].

11.   In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to a person skill in the art to combine the references because it would allow to reduce congestion inside a communciation network due to connection errors.